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TECHNOLOGY CENTER 2000

In re application of
Bartholomew James Cunningham et al.

Application No. 10/066,016 : DECISION ON REQUEST
Filed: January 31, 2002 : FOR WITHDRAWAL OF
For: ADJUSTABLE MOUNTING ASSEMBLY : ATTORNEY
FOR MOUNTING A SUPPORT STAY OF
A CLAMP ARM TO A DIPER ARM OF A
BACK ACTER

This is a decision on the request filed on March 02, 2005, under 37 CFR 1.36 and MPEP 402.06, requesting permission to withdraw as the attorney of record in the above-identified application.

The request is **NOT APPROVED**.

Under 37 CFR 1.36 an attorney may withdraw only upon application to and approval by the Commissioner. It should be noted that a withdrawal is effective when approved, not when filed. For approval of such a request the following conditions must be met:

- A) Each attorney of record must sign the notice of withdrawal, or the notice must contain a clear indication of one attorney signing on behalf of another, because the Office does not recognize law firms;
- B) There must be at least 30 days between approval of the withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a);
- C) A proper reason for the withdrawal as enumerated in 37 CFR 10.40(b) or subsection (1)-(6) of 37 CFR 10.40(c) must be provided;
- D) The applicant or patent owner must have been notified of the withdrawal as provided for in 37 CFR 1.36.

10/066,016

The request to withdraw as attorney is not accepted in the above-identified application because the request lack conditions A) and B) above.

As to condition A), It is not clear if the other attorneys having power are being withdrawn.

As to condition B), A more specific reason or referencing a specific portion of 37 CFR 10.40(c), is required for approval. Finally, note that there are no longer provisions to name associate attorneys. Therefore, the request to appoint other attorneys has not been effected.


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KJD/slb: 03/16/06